

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JUL 25 2011

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

SHANNON PEREZ, HAROLD
DUTTON, JR. AND GREGORY TAMEZ

Plaintiffs

v.

STATE OF TEXAS; RICK PERRY,
in his official capacity as Governor of the
State of Texas; DAVID DEWHURST,
in his official capacity as Lieutenant
Governor of the State of Texas; JOE
STRAUS, in his official capacity as Speaker
of the Texas House of Representatives;
HOPE ANDRADE, in her official
capacity as Secretary of State of the
State of Texas

Defendants

CIVIL ACTION NO.
SA-11-CA-360-OLG-JES-XR
[Lead case]

MEXICAN AMERICAN LEGISLATIVE
CAUCUS, TEXAS HOUSE OF
REPRESENTATIVES (MALC)

Plaintiffs

-and-

THE HONORABLE HENRY CUELLAR,
Member of Congress, CD 28; THE TEXAS
DEMOCRATIC PARTY and BOYD
RICHELIE, in his official capacity as Chair of
the Texas Democratic Party; and LEAGUE
OF UNITED LATIN AMERICAN
CITIZENS (LULAC) and its individually
named members

Plaintiff-Intervenors

v.

STATE OF TEXAS; RICK PERRY,
in his official capacity as Governor of the

CIVIL ACTION NO.
SA-11-CA-361-OLG-JES-XR
[Consolidated case]

State of Texas; DAVID DEWHURST,
in his official capacity as Lieutenant
Governor of the State of Texas; JOE
STRAUS, in his official capacity as Speaker
of the Texas House of Representatives;

Defendants

TEXAS LATINO REDISTRICTING
TASK FORCE, JOEY CARDENAS,
ALEX JIMENEZ, EMELDA
MENENDEZ, TOMACITA OLIVARES,
JOSE OLIVARES, ALEJANDRO ORTIZ,
AND REBECCA ORTIZ

Plaintiffs

v.

RICK PERRY, in his official capacity
as Governor of the State of Texas

Defendants

CIVIL ACTION NO.
SA-11-CA-490-OLG-JES-XR
[Consolidated case]

MARGARITA V. QUESADA; ROMEO
MUNOZ; MARC VEASEY; JANE
HAMILTON; LYMAN KING; and
JOHN JENKINS

Plaintiffs

v.

RICK PERRY, in his official capacity
as Governor of the State of Texas; and
HOPE ANDRADE, in her official
capacity as Secretary of State for the
State of Texas

Defendants

CIVIL ACTION NO.
SA-11-CA-592-OLG-JES-XR
[Consolidated case]

ORDER

Pending before the Court are various pretrial motions. After reviewing the motions, and any responses thereto, the Court rules as follows:

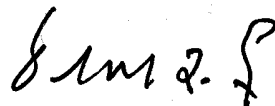
1. Unopposed Motion for Leave to File Third Amended Complaint, filed by Shannon Perez, Harold Dutton, Jr. Gregory Tamez, Sergio Salinas, Carmen Rodriguez, Rudolfo Ortiz and Nancy Hall (the '360 Plaintiffs) (Dkt. # 52) is GRANTED.
2. Motion to Dismiss [the '360 Plaintiffs'] Second Amended Complaint (Dkt. # 20) is DENIED as moot, in light of the third amended complaint (Dkt. # 53) being filed without objection.
3. Motion to Dismiss MALC's First Amended Complaint (Dkt. # 17) is DENIED as moot, in light of the Second Amended Complaint (Dkt. # 50) being filed without objection.
4. Motion for Leave to file Second Amended Complaint (Dkt. # 59), filed by the Texas Latino Redistricting Task Force, et. al. (the '490 Plaintiffs), is GRANTED as unopposed.
5. Motion to Dismiss [the '490 Plaintiffs] First Amended Complaint (Dkt. # 39) is DENIED as moot, in light of the second amended complaint (Dkt. # 59) being filed without objection.
6. Plaintiffs' Partially Unopposed Motion for Extension of Expert Deadline (Dkt. # 41) is DENIED as moot in light of the amended scheduling order entered on July 19, 2011 (Dkt. # 51).
7. Amended Motion to Intervene filed by the Texas State Conference of NAACP Branches, Howard Jefferson, Juanita Wallace and Rev. Bill Lawson (Dkt. # 64) is GRANTED as unopposed, and these parties shall be allowed to appear as Plaintiff-Intervenors in this consolidated action.
8. Motion to Intervene filed by the Texas State Conference of NAACP Branches, et. al. (Dkt. # 56) is DENIED as moot, because the motion was superseded by amendment (Dkt. # 64).

9. Motions for Admission Pro Hac Vice, filed by Anita Sue Earles (Dkt. # 57) and Allison Jean Riggs (Dkt. # 58) are GRANTED, and movants shall be allowed to appear as counsel on behalf of the NAACP Plaintiff-Intervenors.
10. Texas Legislative Black Caucus Plaintiff-Intervenor's Motion to Intervene (Dkt. # 60) is GRANTED as unopposed, and movants may appear as Plaintiff-Intervenors herein.
11. Motion to Intervene as Plaintiff-Intervenors, filed by Members of the United States Congress (Dkt. # 61) is GRANTED as unopposed, and movants may appear as Plaintiff-Intervenors herein.

The deadline for amendment of pleadings has passed. Any parties that have been given permission to intervene after the deadline for amendment of pleadings should ensure that their pleadings are sufficient.

It is imperative that the parties include a certificate of conference in every motion, or otherwise indicate whether the motion is opposed. If the parties do not indicate that a motion is unopposed, the Court must assume that it is opposed and a ruling will not be forthcoming until the response time has passed. Due to the expedited nature of this matter, the response time may be shortened by order of the Court whenever necessary.

IT IS SO ORDERED this 25 day of July, 2011.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

And on behalf of:

Jerry E. Smith
United States Circuit Judge
U.S. Court of Appeals, Fifth Circuit

-and-

Xavier Rodriguez
United States District Judge
Western District of Texas